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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/938,204  | 08/23/2001  | Makoto Katagishi     | 16869N-032600US     | 1190             |
| 20350   | 7590        | 04/15/2004           | EXAMINER            |                  |
| TOWNSEND AND TOWNSEND AND CREW, LLP<br>TWO EMBARCADERO CENTER<br>EIGHTH FLOOR<br>SAN FRANCISCO, CA 94111-3834 |             |                      | ANWAH, OLISA        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2645                |                  |
| DATE MAILED: 04/15/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                         |                  |
|------------------------------|-------------------------|------------------|
| <b>Office Action Summary</b> | Application No.         | Applicant(s)     |
|                              | 09/938,204              | KATAGISHI ET AL. |
|                              | Examiner<br>Olisa Anwah | Art Unit<br>2645 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3&amp;4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3, 4/1, 5, 6/1, 7 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al, U.S. Patent Application Publication No. 2002/0168987 (hereinafter Wang).

Regarding claim 1, Wang discloses a cellular phone, comprising a time recognition unit capable of obtaining local time at a receiving end by acquiring information from a cellular phone of the receiving end or a base station capable of registering the cellular phone of the receiving end; and a display unit for displaying the recognized local time (see abstract and Figures 1-6).

Regarding claim 3, see abstract and Figures 1-6.

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Regarding claim 4/1, see paragraph 0066.

Regarding claim 5, see abstract and Figures 1-6.

Regarding claim 6/1, see abstract and Figures 1-6.

Regarding claim 7, see abstract and Figures 1-6.

Regarding claim 8, see abstract and Figures 1-6.

3. Claim 10 is rejected under 35 U.S.C. § 102(e) as being anticipated by Seppo, U.K. Patent Application No. 2,284,965 (hereinafter Seppo).

Regarding claim 10, Seppo discloses a cellular phone having a clock circuit capable of outputting time information comprising a control unit for controlling the function for sending the time information to the receiving end when a message is sent and the function for discriminating a time zone of an originating source or a name of an area associated with the time zone from the time information sent from the originating source when the message is received and a display unit for displaying the discriminated time zone of the originating source or the name of the area associated with the time zone (see Figure 1).

4. Claims 1-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rignell et al, U.S. Patent No. 5,818,920 (hereinafter Rignell).

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Regarding claim 2, Rignell discloses a cellular phone, comprising a clock circuit capable of obtaining time information; a time recognition unit capable of obtaining the local time at the receiving end by acquiring position information from a cellular phone of the receiving end or a base station capable of registering the cellular phone of the receiving end and a display unit for displaying the recognized local time (see Figure 3 and col. 6, line 60 to col. 7, line 65).

Regarding claim 4/2, see Figure 3 and col. 6, line 60 to col. 7, line 65.

Regarding claim 6/2, see Figure 3 and col. 6, line 60 to col. 7, line 65.

Regarding claim 1, see Figure 3 and col. 6, line 60 to col. 7, line 65.

Regarding claim 3, see Figure 3 and col. 6, line 60 to col. 7, line 65

Regarding claim 4/1, see Figure 3 and col. 6, line 60 to col. 7, line 65.

Regarding claim 5, see Figure 3 and col. 6, line 60 to col. 7, line 65.

Regarding claim 7, see Figure 3 and col. 6, line 60 to col. 7, line 65.

Regarding claim 8, see Figure 3 and col. 6, line 60 to col. 7, line 65.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C § 103(a) as being unpatentable over Wang.

Regarding claim 11, Wang discloses a method for recognizing and displaying the local time at a cellular phone of a recipient, wherein software that receives the time information or position information from a base station having a transmitting unit that sends the time information at the location at which the base station for the cellular phone exists to the cellular phone of a requesting source in accordance with a request from the cellular phone and recognizes and displays the local time at the recipient is stored in the cellular phone (see abstract and Figures 1-6).

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Wang does not teach the software performs accounting regarding the storage or execution of this software. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang wherein the software performs accounting regarding the storage or execution of the software. This modification allows subscribers to be billed.

7. Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Wang in view of Sudo et al, U.S. Patent No. 6,223,058 (hereinafter Sudo).

Regarding claim 9, Wang discloses the control unit performs control so as to display the local time at the receiving end on the display unit. Wang fails to teach an operation unit that selects a communication mode, wherein the control unit performs control so as to display a plurality of communication modes on the display unit and set the communication mode for the mode selected by the control unit. However Sudo discloses this limitation (see Figure 28). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with an operation unit that selects a communication mode, wherein the control unit performs control so

as to display a plurality of communication modes on the display unit and set the communication mode for the mode selected by the control unit as taught by Sudo. This modification allows a user to select setting conditions suitable for the use environment as suggested by Sudo (column 15).

8. Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Rignell in view of Sudo et al, U.S. Patent No. 6,223,058 (hereinafter Sudo).

Regarding claim 9, Rignell discloses the control unit performs control so as to display the local time at the receiving end on the display unit. Rignell fails to teach an operation unit that selects a communication mode, wherein the control unit performs control so as to display a plurality of communication modes on the display unit and set the communication mode for the mode selected by the control unit. However Sudo discloses this limitation (see Figure 28). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rignell with an operation unit that selects a communication mode, wherein the control unit performs control so as to display a plurality of communication modes on the display unit and set the communication mode for the mode selected by the control unit as

taught by Sudo. This modification allows a user to select setting conditions suitable for the use environment as suggested by Sudo (column 15).

9. Claim 11 is rejected under 35 U.S.C § 103(a) as being unpatentable over Rignell.

Regarding claim 11, Rignell discloses a method for recognizing and displaying the local time at a cellular phone of a recipient, wherein software that receives the time information or position information from a base station having a transmitting unit that sends the time information at the location at which the base station for the cellular phone exists to the cellular phone of a requesting source in accordance with a request from the cellular phone and recognizes and displays the local time at the recipient is stored in the cellular phone (see abstract and Figures 1-6).

Rignell does not teach the software performs accounting regarding the storage or execution of this software. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang wherein the software performs accounting regarding

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the storage or execution of the software. This modification allows subscribers to be billed.

**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.  
Olisa Anwah  
Patent Examiner  
April 8, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

